

# Article II, Section I, Paragraph 2 New Jersey Constitution

## LEGISLATIVE HISTORY CHECKLIST

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(Requires public questions to be voted on at general elections and requires published notice of the questions)

**New Jersey Constitution:** Article II, Section I, Paragraph 2

**BILL NO:** ACR77

**SPONSOR:** McEnroe, Garvin, Pankok

**DATE INTRODUCED:** Pre-filed for introduction in the 1986 session from ACR169 3/7/1985

**COMMITTEE:** **Assembly:** State Government Committee

**Senate:** State Government and Federal and Interstate Relations and Veterans Affairs Committee

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** 11/10/1986

**SENATE:** 11/12/1987

**FILED WITH SECRETARY OF STATE:** 11/13/1987

**DATE OF ADOPTION:** 11/8/1988

**EFFECTIVE:** 12/8/1988

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Introduced bill enacted) Yes

**SPONSOR'S STATEMENT:** No

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

### FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

**REPORTS:** No

**HEARINGS:** Yes

974.90 Public hearing before Assembly State Government Committee : Assembly committee substitute for F491 Assembly concurrent resolution nos. 83, 82, 73 and 77 (1R with Aca) : proposes an amendment to the state 1988b Constitution requiring the Legislature to establish statutory limits or "caps" on state spending.

974.90 Public hearing before the Assembly State Government Committee : on Assembly committee substitute for  
E38 Assembly concurrent resolutions nos. 16 and 10 (elected lieutenant governor) and Assembly concurrent  
1986a resolution no. 77 with Assembly committee amendments (schedule for placing public questions on statewide  
general election tables).

**NEWSPAPER ARTICLES:**

Yes

Goodman, Jim, 'Bill to allow voters to put questions on ballot is rejected by Assembly', *Times, The*, 6/25/1985 pg 11  
'Notice Proposed Constitutional Amendment', *Times, The*, 7/22/1988 pg 58  
'Notice to Voters', *Times, The*, 11/2/1988 pg 15  
'Two Mercer County, four state questions on ballot', *Times, The*, 11/3/1988 pg 76  
'State questions', *Times, The*, 11/4/1988 pg 22

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ASSEMBLY CONCURRENT RESOLUTION No. 77

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman McENROE

A CONCURRENT RESOLUTION proposing to amend Article II, paragraph 2 of the Constitution.

1 **BE IT RESOLVED** by the General Assembly of the State of New  
2 Jersey (the Senate concurring):

1 1. The following proposed amendment to the Constitution is  
2 hereby agreed to:

PROPOSED AMENDMENT

3 Amend paragraph 2 of Article II to read as follows:

4 2. All questions submitted to the people of the entire State **\*[or**  
5 *any of its political subdivisions, as the case may be,]***\*** shall be  
6 voted upon at *the* general **\*[elections]****\*** *election next occurring*  
7 *at least 70 days following the final action of the Governor or the*  
8 *Legislature, as appropriate, necessary to submit the questions*.  
9 *The text of any such question shall be published at least once in one*  
10 *or more newspapers of each county* **\*[if it is a Statewide question**  
11 *and at least once in one or more newspaper of the county in which*  
12 *the political subdivision is located if it is not a Statewide ques-*  
13 *tion]***\***, *if any newspapers be published therein, at least 60 days*  
14 *before the election at which it is to be submitted to the people, and*  
15 *the results of the vote upon a question shall be void unless the text*  
16 *thereof shall have been so published.*

1 2. When the proposed amendment to the Constitution is finally  
2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,  
3 it shall be submitted to the people at the next general election  
4 occurring more than three months after such final agreement and  
5 shall be published at least once in at least one newspaper of each  
6 county designated by the President of the Senate and the Speaker  
7 of the General Assembly and the Secretary of State, not less than  
8 three months prior to the general election.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *this* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted June 9, 1986.

1 3. This proposed amendment to the Constitution shall be sub-  
 2 mitted to the people at that election in the following manner and  
 3 form:

4 There shall be printed on each official ballot to be used at such  
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,  
 7 a legend which shall immediately precede the question, as follows:

8 If you favor the proposition printed below make a cross (X),  
 9 plus (+) or check (✓) in the square opposite the word "Yes." If  
 10 you are opposed thereto make a cross (X), plus (+) or check (✓)  
 11 in the square opposite the word "No."

12 b. In every municipality the following question:

	Yes.	<p style="text-align: center;"><b>CONSTITUTIONAL AMENDMENT                  DEADLINE FOR THE SUBMISSION OF                  *STATEWIDE* PUBLIC QUESTIONS</b></p> <p>Shall the amendment of Article II, paragraph 2 of the Constitution, agreed to by the Legislature and providing that questions submitted to the people of the entire State *["or any of its political subdivisions"]* be voted upon at *the* general *["elections"]* *election occurring at least 70 days following the final action necessary to submit the questions,* and that the text of such questions be published at least once in one or more newspapers in each county *["if it is a Statewide question and at least once in one or more newspapers of the county in which the political subdivision is located if it is not a Statewide question"]*, if any newspapers be printed therein, at least 60 days prior to the election at which it is to be submitted to the people, the results of such election to be void if it is not so published, be approved?</p>
	No.	<p style="text-align: center;"><b>INTERPRETIVE STATEMENT</b></p> <p>This constitutional amendment provides that questions submitted to the people of the entire State *["or any of its political subdivisions"]* be voted upon at *the* general *["elections"]* *election occurring at least 70 days following final action necessary to submit the questions,* and that the text of questions which are submitted to the voters be published at least once in appropriate newspapers at least 60 days prior to the election at which they are to be submitted and that the results of such election shall be void unless they shall have been so published.</p>

**ELECTIONS**

Requires that final action to place question on Statewide ballot at general election be taken not later than 70th day preceding that election; requires 60 days' notice to public before submission.

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**SENATE STATE GOVERNMENT AND FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE**

STATEMENT TO

**ASSEMBLY CONCURRENT RESOLUTION No. 77**

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**STATE OF NEW JERSEY**

DATED: MAY 4, 1987

The Senate State Government Committee reports favorably Assembly Concurrent Resolution No. 77 OCR.

This concurrent resolution proposes an amendment to the Constitution providing that all questions submitted to the people of the entire State shall be voted upon at the general election next occurring at least 70 days following the final action of the Governor or the Legislature, as appropriate, necessary to submit the questions.

The proposed amendment also requires that the text of a question be published at least once in one or more newspapers of each county at least 60 days before the election at which the question is to be submitted to the people. The results of a vote upon a question shall be void unless the text of the question shall have been properly published.

At present, the Constitution specifies a time-frame for action only on constitutional amendments (in the form of a publication requirement of three months prior to submission to the voters). This concurrent resolution specifies a time-frame for action on other Statewide questions which must be submitted to the voters (for example, bond issues).

**ASSEMBLY STATE GOVERNMENT COMMITTEE**  
STATEMENT TO  
**ASSEMBLY CONCURRENT RESOLUTION No. 77**  
with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 5, 1986

The Assembly State Government Committee reports favorably and with committee amendments Assembly Concurrent Resolution No. 77.

This concurrent resolution proposes an amendment to the State Constitution to establish a deadline for final action to place a public question, other than a question regarding approval of a constitutional amendment, on the Statewide general election ballot in a given year. Under the proposed constitutional amendment, the deadline will be the 70th day preceding the general election to be held in that year. If final action on a submission occurs after that date, the public question will be required to be placed on the ballot at the general election held in the succeeding year.

The proposed amendment also imposes, in connection with any such public question, a requirement that the text of the question be published in newspapers in the several counties at least 60 days before the election at which the question is submitted.

The Committee amended the concurrent resolution (1) to add the provision establishing, as the deadline for final action to place a question on the ballot at a general election, the 70th day preceding that general election, and (2) to delete from the resolution a provision applying its provisions to public questions submitted at the local level.

This resolution was pre-filed for introduction in the 1986 session pending technical review. As amended, the resolution includes the changes required by technical review which has been performed.

# ASSEMBLY CONCURRENT RESOLUTION No. 77

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman McENROE

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# ASSEMBLY CONCURRENT RESOLUTION No. 169

## STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1985

By Assemblyman McENROE, Assemblywoman GARVIN  
and Assemblyman PANKOK

A CONCURRENT RESOLUTION proposing to amend Article II, paragraph 2 of the Constitution.

1 BE IT RESOLVED by the General Assembly of the State of New  
2 Jersey (the Senate concurring):

1 1. The following proposed amendment to the Constitution is  
2 hereby agreed to:

### PROPOSED AMENDMENT

3 Amend paragraph 2 of Article II to read as follows:

4 2. All questions submitted to the people of the entire State or  
5 any of its political subdivisions, as the case may be, shall be voted  
6 upon at general elections. *The text of any such question shall be*  
7 *published at least once in one or more newspapers of each county*  
8 *if it is a Statewide question and at least once in one or more news-*  
9 *papers of the county in which the political subdivision is located*  
10 *if it is not a Statewide question, if any newspapers be published*  
11 *therein, at least 60 days before the election at which it is to be*  
12 *submitted to the people, and the results of "[such election]" "the*  
13 *vote upon a question" shall be void unless "[it]" "the text thereof"*  
14 *shall have been so published.*

1 2. When the proposed amendment to the Constitution is finally  
2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,  
3 it shall be submitted to the people at the next general election  
4 occurring more than three months after such final agreement and  
5 shall be published at least once in at least one newspaper of each

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted April 29, 1985.

6 county designated by the President of the Senate and the Speaker  
7 of the General Assembly and the Secretary of State, not less than  
8 three months prior to the general election.

1 3. This proposed amendment to the Constitution shall be sub-  
2 mitted to the people at that election in the following manner and  
3 form:

4 There shall be printed on each official ballot to be used at such  
5 general election, the following:

6 a. In every municipality in which voting machines are not used,  
7 a legend which shall immediately precede the question, as follows:

8 If you favor the proposition printed below make a cross (X),  
9 plus (+) or check (✓) in the square opposite the word "Yes." If  
10 you are opposed thereto make a cross (X), plus (+) or check (✓)  
11 in the square opposite the word "No."

12 b. In every municipality the following question:

	Yes.	<p style="text-align: center;"><b>CONSTITUTIONAL AMENDMENT DEADLINE FOR THE SUBMISSION OF PUBLIC QUESTIONS</b></p> <p>Shall the amendment of Article 11, paragraph 2 of the Constitution, agreed to by the Legislature and providing that questions submitted to the people of the entire State or any of its political subdivisions be voted upon at general elections and that the text of such questions be published at least once in one or more newspapers in each county if it is a Statewide question and at least once in one or more newspapers of the county in which the political subdivision is located if it is not a Statewide question, if any newspapers be printed therein, at least 60 days prior to the election at which it is to be submitted to the people, the results of such election to be void if it is not so published, be approved?</p>
	No.	<p style="text-align: center;"><b>INTERPRETIVE STATEMENT</b></p> <p>This constitutional amendment provides that questions submitted to the people of the entire State or any of its political subdivisions be voted upon at general elections and that the text of questions which are submitted to the voters be published at least once in appropriate newspapers at least 60 days prior to the election at which they are to be submitted and that the results of such election shall be void unless they shall have been so published.</p>

**STATEMENT**

This concurrent resolution proposes a constitutional amendment to:

(1) Require that public questions submitted to the people of a political subdivision of the State be voted upon at general elections, just as is already required with respect to Statewide public questions; and

(2) Require that the text of any such public question be published, in a newspaper in each county in which the question is to be voted upon, at least 60 days before the election.

Failure to meet the publication requirement as to the text of a question would void the results of the vote upon that question.

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